Tape 7

21 Feb 80

Side A, 0-1/8

In short, it may not be only a case of my unwillingness to ask individuals to accept risks; those individuals simply may not be willing to take them.

Fourth, closely related to the above is our concern that Section 142 of the bill fails to specifically mention the duty of the DNI to protect intelligence sources and methods. Our ability to recruit foreign sources and to deal with friendly foreign intelligence services will be significantly impaired by the signal that the omission of this longstanding provision will give. This has been a backbone of our assurances to such individuals and organizations that the DNI can and will provide protection for their legitimate interests. Accordingly, the Administration favors provisions

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ON PAGE A-34

NEW YORK TIMES
14 NOVEMBER 1979

SALT II Before the Senate

There is no point bewailing the unfortunate timing of the Senate's turn to another arms control treaty with the Soviet Union. It has been a perilous seven-year journey for SALT II, which is now caught up in its second Presidential campaign. It is a good treaty that would leave the nation secure — more secure than without a treaty — while its inadequacies are pursued in SALT III. As the flap over Soviet troops in Cuba showed, no time is ever safe for such a critical vote.

Whether the Senate acts next month or early next year, it can no longer avoid partisanship. Senator Baker's opposition to the treaty in his campaign for President creates a formidable obstacle. He seems to believe that he would not otherwise be nominated by a Republican convention. President Ford made a similar calculation in 1976 — and regretted it.

Mr. Ford only delayed SALT. Senator Baker could take moderates with him and kill it. Senators Cohen, Lugar and Danforth, for example, play major roles in Mr. Baker's campaign and cannot easily desert him. If no other influential Republican champions the treaty — Henry Kissinger is an obvious but reluctant candidate — the Democrats will not easily produce the necessary 67 votes.

If the treaty survives, it will be because of strong support from the NATO allies and a growing recognition that its defeat would injure Soviet-American relations without strengthening American security. The Senate Foreign Relations Committee has done a most responsible job of airing the many objections. It has sent the Senate a long and unusual "resolution of ratification" containing 20 understandings, declarations and reservations that leave the treaty intact and require no new negotiation with Moscow.

Since these statements address virtually all the concerns about SALT II, the struggle in the Senate will center on efforts to convert some of the reservations into crippling revisions requiring Soviet consent. The treaty forces appear to have the 51 votes needed to defeat these attempts, but they also need 16 of the 20 still undecided senators to ratify the treaty by two-thirds vote.

So the outcome may depend on a group that, with Senator Nunn, seeks at least a 5 percent increase in real defense spending in each of the next five years. The President is unlikely to offer that much, but he has promised 3 percent to NATO. Not much more than 3 percent a year plus inflation would lift the defense budget for the fifth year above $200 billion. Perhaps that stark figure will finally shock Senator Nunn and his allies. If they would address specific weapons systems that need improvement instead of mere dollar goals, it is possible that a deal could be struck, as has been done with the Joint Chiefs of Staff.

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Mr. Chairman, I believe that we are in the midst of an important evolution or experiment. We are attempting to integrate the legislature of this country more intimately into the intelligence process than has ever been attempted anywhere before. This new process has been evolving over a number of years now. I know that we in the Executive Branch are pleased with the way this new relationship has developed. I hope that the members of this committee are also. The enactment of this legislation which would charter our intelligence activities anew would codify the practices we have developed and ensure their perpetuation. The few most important remaining differences between the Administration and this draft bill concern areas where the bill goes considerably further in regulating matters that are being handled satisfactorily. In this light, we should recognize that:

PHILADELPHIA BULLETIN
31 October 1979

Jersey sues CIA for data on casino

By GEORGE KERNS
Of The Bulletin Staff

Camden — The state Division of Gaming Enforcement has filed suit in U.S. District Court to force the Central Intelligence Agency (CIA) and another federal security agency to release information on 38 persons and entities associated with Resorts International who may have connections with organized crime.

Named as defendants are the CIA and its director, Stansfield Turner, and the National Security Agency/Central Security Service, which is part of the U.S. Defense Department. The agencies refused to release the records on grounds they were classified or of little value.

At the request of the state attorney general's office, two typewritten pages containing the names on whom information is sought have been sealed by order of Judge Clarkson Fisher, chief of the federal court system in New Jersey. The suit, filed in Trenton, was sent to Camden for trial and has been assigned to Judge John Gerry.

In the suit, the state says it requested the information in March 1978 as part of the gaming division's investigation then being conducted on the application of Resorts International Hotel Inc. for a casino license in Atlantic City.

Deputy Attorney General Guy Michaels said the division asked the CIA for information because of the "international nature of Resorts' operations." The company also operates a casino on Paradise Island in the Bahamas.

The Division of Gaming Enforcement is charged with investigating all applicants for casino licenses and enforcing the state Casino Control Act.

The gaming division requested the information from the CIA under provisions of the federal Freedom of Information Act, which requires agencies to release certain records to the public.

The request was refined a few weeks later by the gambling enforcement division "so as to focus on information or allegations of specified connections of the subjects to organized crime," the suit said.

After searching the records, the CIA notified the attorney general's office last March that most of the information retrieved was classified and that continued screening would not "yield information of sufficient value to warrant further review," the suit said.

"We are not even sure what information is there," Michaels said of the requested data.

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TAPE 11

(portion of SSCI testimony)

While I recognize that there is an argument which sounds most reasonable that the Congress should be entitled to access to all intelligence information, I would like to point out that the practical impact of such a provision in this legislation could be very harmful. To begin with, the only kinds of information we would ever wish to withhold are the kinds of information which this Committee has sagaciously and consistently indicated it would never seek to obtain. The names of human sources of information is one good example. On the other hand, the inclusion of a provision that would theoretically require us to provide such a name could have a very chilling effect upon the confidence we can instill in such individuals that working with us is a reasonably safe proposition. We are asking you for relief from the Hughes Ryan Amendment from the onerous provisions of the Freedom of Information Act and for legislation to deal with instances of the revelation of the identities of our personnel. All of these measures will be of great assistance to us in developing confidence in foreign individuals and intelligence services. The inclusion of a provision for all-encompassing access to our data would run directly contrary to these steps and in large measure nullify them.

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TAPE 8
Side A, 0 - 1/8

(portion of SSCI testimony)

Certain facets of intelligence collection are by their very nature risk-taking ventures. By risks I mean that either the lives and reputations of individuals are at stake and/or that the prestige and position of the United States with respect to other nations could be endangered. There are clearly situations in which I personally would not ask an individual to accept such risks to his welfare or place the reputation of the United States on the line. If I were required to report such intention to more members of the Congress and their staffs,then I would permit persons within the CIA to be privy to this information. Moreover, we must also recognize

Tape 35

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Side A, 0- 7/8
(portion of testimony for SSCI today)

Fourth, and finally, it is very important that the Intelligence Community of our country be given greater protection for its necessary secrets. There is no issue of higher import to the success of our necessary intelligence efforts today. The charter legislation is a proper and important vehicle for providing the necessary protection to what we refer to as our sources and methods of collecting intelligence and to substantive intelligence information itself. Any intelligence apparatus that cannot conduct sensitive operations in secrecy cannot offer human sources assurances that their cooperation with the United States will remain sacrosanct and cannot hold private sensitive information, the exclusive possession of which is of great value to our policymakers, simply will not be able to produce the kind of intelligence that our nation must have if we are to conduct our foreign policy successfully. The boundary line between provisions for adequate secrecy on the one hand and sufficient congressional oversight and protection for the rights of the American citizen on the other is a narrow one. It can be drawn to protect all of these interests, but all three interests must be kept in mind in that process.

When this committee introduced its original charter bill, S.2525, some few years ago, we all recognized that an extended period of negotiation between the committee intelligence officers and Administration officials would be required to achieve the right balance between these three interests. It has been a long and arduous process, but I believe that all those who have taken part in these negotiations can be pleased with the results we have before us today. It is particularly significant that there has been an evolution from an emphasis

on overly specific restrictions to the system of oversight and accountability.

Unfortunately, several outstanding substantive issues have prevented the introduction of a bill which could be fully supported by the Intelligence Community and the Administration. In large measure, these differences are the result of some neglect of our ability to protect our necessary secrets. Other differences relate to whether we would have the flexibility and the capacity to act with necessary dispatch in crisis situations. Still, I certainly agree with the remarks of the President that the substantial agreement we've already achieved places us well on the road to resolving the remaining differences. Let me address those differences specifically.